



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/685,646  | 10/15/2003  | Thomas Frederick Hafer | 123-001             | 5002             |
| 26542   | 7590        | 09/29/2005             | EXAMINER            |                  |
| JAMES MARC LEAS<br>37 BUTLER DRIVE<br>S. BURLINGTON, VT 05403 |             |                        | SWENSON, BRIAN L    |                  |
|   |             |                        | ART UNIT            | PAPER NUMBER     |
|   |             |                        | 3618                |                  |
| DATE MAILED: 09/29/2005                                       |             |                        |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/685,646

Applicant(s)

HAFER, THOMAS FREDERICK

Examiner

Brian Swenson

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) 9-13, 16, 18, 19 and 26 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 14, 15, 17, 20-25, 27 and 28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of Species IX, Figure 6c in the reply filed on 31 August 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

An action on the merits of claims 1-8, 14-15, 17, 20-25, 27 and 28 follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 17, 20-22, 24-25 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,062,585 issued to Hess.

Hess teaches in Figures 1-15 and respective portions of the specification of: a device for skiing, comprising a ski (1) having a first side and a bottom surface (3), said bottom surface having a first edge on said first side, said ski further comprising a first outrigger edge (9) on said first side, wherein said first outrigger edge extends from said ski spaced parallel from said first side (see at least Figure 15).

In regards to claim 3, see Figures 1-14 of Hess.

In regards to claim 17, Hess shows in Figure 15 a notched edge, taken to be serrated.

In regards to claims 20-22 and 24-25, Hess shows in the Figures a first and second outrigger edge is provided parallel and symmetrically on either side of the skiing device.

In regards to claim 27 and 28, the method of using the ski with the outrigger, provided on a plate and having edges, and the method of fabricating the outrigger edges is inherent from the apparatus taught by Hess. Under the principles of inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a process or method claim of an application, the claim is anticipated.

3. Claims 1, 4-8, 14, 17, 20, 23-24 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,906,016 issued to Varan et al.

Varan et al. teach in Figures 1-11 and respective portions of the specification of a ski (10) having a first side and a bottom surface, said bottom surface having a first edge on said first side, said ski further comprising a first (54) edge (60) on a first side and second side of the ski, wherein said first outrigger edge extends from said ski spaced from said first side; see Figure 6 where the edge of the outrigger is shown spaced from the side edge of the ski.

In regards to claims 4-8, Varan et al. shows the outrigger is formed from a single plate bent at either side of the ski and fastened to the ski with fastener (56).

In regards to claims 14, Varan et al. shows the outriggers extends along a front portion of the ski, in Figure 6.

In regards to claims 17, Varan et al. shows an embodiment, in Figure 5, where the edge contains serrations.

Art Unit: 3618

In regards to claim 27 and 28, the method of using the ski with the outrigger, provided on a plate and having edges, and the method of fabricating the outrigger edges is inherent from the apparatus taught by Hess. Under the principles of inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a process or method claim of an application, the claim is anticipated.

4. Claims 1, 2, 14-15, 20-21 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,007,101 issued to Pritchard et al.

Pritchard et al. teach in Figures 1-11 and respective portions of the specification of: a device for skiing (Figure 11), comprising a ski (94) having a first side and a bottom surface, said bottom surface having a first edge on said first side, said ski further comprising a first outrigger edge (see details of outrigger shown in Figure 3) on said first side, wherein said first outrigger edge extends from said ski spaced from said first side.

In regards to claim 2; see Figure 3.

In regards to claim 14 and 15; see Figure 1 where Pritchard et al. teaches that the edges can be placed at along several portions of the ski/board.

In regards to claim 27 and 28, the method of using the ski with the outrigger, provided on a plate and having edges, and the method of fabricating the outrigger edges is inherent from the apparatus taught by Hess. Under the principles of inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a process or method claim of an application, the claim is anticipated.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,303,949 issued to Harper et al. teaches of a ski with a plurality of edges.

U.S. Patent No. 5,462,304 issued to Nyman teaches of a board with a plurality of edges.

U.S. Patent No. 6,264,215 issued to Carlson et al. teach of a snowboard with an attachment for slowing the snowboard.

U.S. Patent No. 4,652,006 issued to Desoutter teaches of a retaining plate for a ski.

U.S. Patent No. 6,866,273 and U.S. Patent No. 6,702,315 issued to Barbieri et al. teach of skis with a plurality of edges.

U.S. Patent No. 6,857,653 issued to Wilson teaches of a ski with out rigging edges.

U.S. Patent No. 4,219,214 issued to Kostov and U.S. Patent No. 6,367,173 issued to Lancon teach of skis with plates that contain a plurality of serrations.

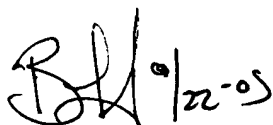
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone

Art Unit: 3618

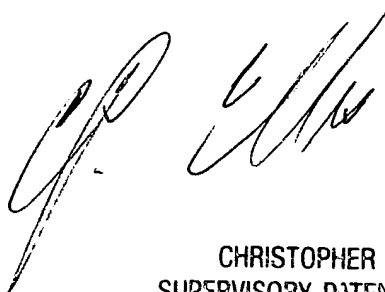
number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



bls

Brian Swenson  
Examiner  
Art Unit 3618



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600